

# Senate Study Bill 3055 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON SODDERS)

## A BILL FOR

1 An Act relating to sexual abuse and sexual exploitation by a  
2 counselor, therapist, or school employee, related penalties,  
3 and the time within which actions may be brought for damages  
4 for such injury.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.1, subsection 12, Code 2016, is  
2 amended to read as follows:

3 12. *Sexual abuse or sexual exploitation by a counselor,*  
4 *therapist, or school employee.* An action for damages for  
5 injury suffered as a result of sexual abuse, as defined in  
6 section 709.1, by a counselor, therapist, or school employee,  
7 as defined in [section 709.15](#), or as a result of sexual  
8 exploitation by a counselor, therapist, or school employee  
9 shall be brought within five ten years of the date the victim  
10 was last treated by the counselor or therapist, or within  
11 five ten years of the date the victim was last enrolled in or  
12 attended the school, or, if the victim was a minor when the  
13 sexual abuse or sexual exploitation occurred, within ten years  
14 of the date the victim attains the age of eighteen.

15 Sec. 2. Section 614.8, subsection 2, Code 2016, is amended  
16 to read as follows:

17 2. Except as provided in section 614.1, ~~subsection~~  
18 subsections 9 and 12, the times limited for actions in this  
19 chapter, or [chapter 216](#), [669](#), or [670](#), except those brought for  
20 penalties and forfeitures, are extended in favor of minors,  
21 so that they shall have one year from and after attainment of  
22 majority within which to file a complaint pursuant to chapter  
23 216, to make a claim pursuant to [chapter 669](#) or 670, or to  
24 otherwise commence an action.

25 Sec. 3. Section 709.15, subsection 1, paragraph f, Code  
26 2016, is amended by striking the paragraph and inserting in  
27 lieu thereof the following:

28 *f.* (1) "*School employee*" means any of the following, except  
29 as provided in subparagraph (2):

30 (a) A person who holds a license, certificate,  
31 authorization, or statement of professional recognition issued  
32 by the board of educational examiners under chapter 272.

33 (b) A person employed by a school district or nonpublic  
34 school full-time or part-time.

35 (c) A contract employee of a school district or nonpublic

1 school who has significant contact with students enrolled in  
2 the school district or nonpublic school.

3 (d) A person who performs services as a volunteer for a  
4 school district or nonpublic school and who has significant  
5 contact with students enrolled in the school district or  
6 nonpublic school.

7 (2) "*School employee*" does not include the following:

8 (a) A student enrolled in a school district or nonpublic  
9 school.

10 (b) A person who holds a coaching authorization issued  
11 under section 272.31, subsection 1, if the person is less than  
12 four years older than the student with whom the person engages  
13 in conduct prohibited under subsection 3, paragraph "a", and  
14 the person is not in a position of direct authority over the  
15 student.

16 (c) A person who performs services as a volunteer for a  
17 school district or nonpublic school and who has significant  
18 contact with students enrolled in the school district or  
19 nonpublic school, if the person is less than four years older  
20 than the student with whom the person engages in conduct  
21 prohibited under subsection 3, paragraph "a", and the person is  
22 not in a position of direct authority over the student.

23 Sec. 4. Section 709.15, subsection 3, Code 2016, is amended  
24 by adding the following new paragraph:

25 NEW PARAGRAPH. c. The provisions of this subsection do  
26 not apply to a person who is employed by, volunteers for, or  
27 is under contract with a school district or nonpublic school  
28 if the student is not enrolled in the same school district  
29 or nonpublic school that employs the person or for which the  
30 person volunteers or is under contract, and the person does  
31 not meet the requirements of subsection 1, paragraph "f",  
32 subparagraph (1), subparagraph division (a).

33

#### EXPLANATION

34 The inclusion of this explanation does not constitute agreement with  
35 the explanation's substance by the members of the general assembly.

1     This bill extends, from five years to 10 years, the time by  
2 which actions may be brought for damages for injury suffered as  
3 a result of sexual abuse by a counselor, therapist, or school  
4 employee or as a result of sexual exploitation by a counselor,  
5 therapist, or school employee. Further, if the victim was a  
6 minor when the sexual abuse or exploitation occurred, actions  
7 for damages for injury must be brought within 10 years of the  
8 date the victim attains the age of 18. The bill also allows  
9 minors one year from and after attainment of age 18 to make a  
10 claim for damages based upon an act or omission of an employee  
11 of the state or political subdivision.

12     The bill amends the definition of "school employee" in  
13 the Code provision that establishes the criminal offense of  
14 sexual exploitation by a school employee. Currently under  
15 Code section 709.15, "school employee" is defined to include  
16 any practitioner or coach who is licensed or authorized by the  
17 board of educational examiners. The current definition does  
18 not limit employment to a public or nonpublic school. The bill  
19 amends the definition to provide that "school employee" means  
20 a person who holds a license, certificate, authorization, or  
21 statement of professional recognition issued by the board; a  
22 person employed by a school district or nonpublic school; a  
23 contract employee of a school district or nonpublic school who  
24 has significant contact with students enrolled in the school  
25 district or nonpublic school; or a person who performs services  
26 as a volunteer for a school district or nonpublic school and  
27 who has significant contact with students enrolled in the  
28 school district or nonpublic school.

29     However, the bill provides that the definition of "school  
30 employee" does not include a student enrolled in a school  
31 district or nonpublic school, or a person who is a school  
32 volunteer or who holds a coaching authorization if such person  
33 is less than four years older than the student and is not in  
34 a position of direct authority over the student. Further,  
35 the provisions related to the definition do not apply to a

1 person who is employed by, volunteers for, or is under contract  
2 with a school district or nonpublic school if the student is  
3 not enrolled in the same school district or nonpublic school  
4 that employs the person or for which the person volunteers or  
5 is under contract, and the person does not hold a license,  
6 certificate, authorization, or statement of professional  
7 recognition issued by the board.

8     A person who commits sexual exploitation by a school  
9 employee in violation of Code section 709.15(3) commits either  
10 an aggravated misdemeanor, which is punishable by confinement  
11 for no more than two years and a fine of at least \$625 but not  
12 more than \$6,250; or a class "D" felony, which is punishable by  
13 confinement for no more than five years and a fine of at least  
14 \$750 but not more than \$7,500. Such a person must register as a  
15 tier II offender on the sex offender registry if the victim is  
16 13 years of age or older, or, if the victim is under 13 years  
17 of age, as a tier III offender.